

REMARKS

The Applicant wishes to thank the Examiner for conducting the telephone interviews of 21 November 2005 and 30 November 2005.

In the interview, a discussion was had regarding clarifications associated with the definition of what primary content was to be downloaded. As supported by the specification, the primary content that is to be downloaded is predetermined. Additionally, the Examiner requested that a clarification be made with regard to the user identifier and the user information. The user identifier is what is uploaded and the user information is what is downloaded to enable the selection of the auxiliary content stored in the local storage.

Claims 1, 2, 4-9, 17-19, 21, 22 and 24-26 were rejected under 35 USC § 102(e) as being anticipated by Landsman et al. (6,314,451). Landsman et al. is concerned with pushing advertisements to the user for later play. Based on a user's profile, specific ads are sent to the user and all are played. Fresh ad content is continually sent to the user at different times. Playback of the ads are taught to occur at a later time, such as when the user is not interacting with the system or shown as a screen saver. See col. 6. Because only specific ads are sent the user, there is not need to identify specific portions to play back to the user. Additionally, the playback for the user occurs during times of no interaction. In the claimed invention, play of certain auxiliary content occurs during download of predetermined primary content.

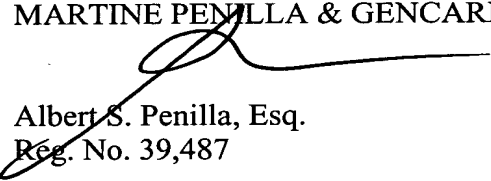
For at least these reasons, it is submitted that Landsman et al. fails to teach or suggest each element of the now amended claims. Accordingly, the Examiner is respectfully requested to withdraw the rejection under Section 102.

As Landsman fails to teach each of the elements of the now pending claims, the Applicant submits that the teachings of Rakavy et al. (5,913,040) would not cure the deficiencies noted above. Accordingly, the Applicant submits that the pending claims are patentable and respectfully requests that the Section 103 rejection be withdrawn.

Claim 25 was cancelled. Accordingly, claims 1-24 and 26 remain pending.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No SONYP006). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Albert S. Penilla, Esq.
Reg. No. 39,487

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Facsimile: (408) 749-6901